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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,403	09/24/2003	Viacheslav A. Petrov	UC0315 US NA	5058
23906 7590 01/02/2009 E I DU PONT DE NEMOURS AND COMPANY LEGAL PATENT RECORDS CENTER BARLEY MILL PLAZA 25/1122B 4417 LANCASTER PIKE WILMINGTON, DE 19805				
			EXAMINER VDAYAKUMAR, KALLAMBELLA M	
			ART UNIT 1793	PAPER NUMBER
			NOTIFICATION DATE 01/02/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-Legal.PRC@usa.dupont.com

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/669,403

**Applicant(s)**

PETROV ET AL.

**Examiner**

KALLAMBELLA  
VIJAYAKUMAR

**Art Unit**

1793

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 15 December 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_  
Claim(s) objected to: 23 and 30-32  
Claim(s) rejected: 15 and 22-32  
Claim(s) withdrawn from consideration: \_\_\_\_\_

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_

/Stuart Hendrickson/  
Primary Examiner, Art Unit 1793

Continuation of 3. NOTE: The newly added claims and the amendment to the claims are for further consideration and needs further search.

Continuation of 11. does NOT place the application in condition for allowance because: Applicants arguments filed 12/16/2008 have been fully considered.

With respect to the objection to claims-23 and 30-32 (Res, Pg-7), the examiner agrees that the R and X are slightly different between the claims 15 and 23, but the claims become substantial duplicates when  $m=0$  and  $n=0$  in both the claims as argued in the last office action.

In response to the arguments about the intended use versus functional element in the instant claim limitations (Res, Pg-8), the instant claims are drawn on composition/s for depositing electroluminescent active materials on to a surface i.e. an intended use, and does not result in a structural difference between the claimed invention and the prior art by Spreitzer in order to patentably distinguish the claimed invention from the prior art. Even though Spreitzer does not expressly teach a coating solution for depositing electroluminescent active materials on a surface as use of his composition, it clearly teaches producing layers of organic semiconductors that include organic electroluminescent materials by printing, and the two different intended uses are not distinguishable in terms of the composition, see In re Thuau, 57 USPQ 324; Ex parte Douros, 163 USPQ 667; and In re Craig, 89 USPQ 393. Spreitzer clearly teaches a dispersion of organic semiconductor in an organic solvent mixture and depositing the dispersion on a surface by printing forming an active layer.

In response to the argument that Spreitzer teaches using a solvent mixture selected based on different boiling points (Res, Pg-10), the instant claim limitation of comprising does not exclude additional solvents in the instant claims. In response to the argument that Spreitzer does not teach the claimed compositions, nor does Spreitzer teach the selection of liquid media that, in combination with an active material, will produce a composition having a static contact angle of less than  $40^\circ$ ; Spreitzer clearly teaches dispersion/solution comprising electroluminescent materials such as PAV, PF, PSF, PPP in solvent mixtures comprising trifluoromethoxybenzene and 1-fluoro-3,5-dimethoxybenzene. With regard to the property of the static angle, the prior art composition is similar to that claimed by the applicants, and expected to possess similar properties, and It is not necessary that the prior art suggest the combination to achieve the same advantage or result discovered by applicant. In re Linter, 458 F.2d 1013, 173 USPQ 560 (CCPA 1972).

In response to the argument that Spreitzer teach against embodiments of the present claims (no benzylic  $\text{CH}_2$  or  $\text{CH}$  groups, no more than two methyl groups, etc.); two substituent groups are encompassed by the instant claim limitation of  $m=0-5$ ,  $n=0-5$  and  $m+n$  is no greater than 5 in claims 15 and 23 and the structures in claim-22.

For the reasons set forth above, applicants fail to patentably distinguish their composition over prior art.

/KMV/  
Dec 24, 2008.